IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10324 of 2005

Between:

Smt. G.Nagendramma, D/o. G.V.Ramudu,
R/o. 4-593/83, Anantapur, Anantapur District.

..... PETITIONER

AND

1 The District Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus to declare the direction given by the 1st respondent in his proceedings dt.05-02-2005 to notify and fill up the vacancy of Dealership of 18th ward, Anantapur while allowing the revision filed by the petitioner as illegal, and consequentially direct the 2nd respondent to consider the representations of the petitioner dt.02.05.2001, 07-11-2003, 12-08-2004 and 02-04-2005 to regularize the petitioner as dealer of 18th ward, Anantapur, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.GOPAL DAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Aggrieved by the proceedings dated 5.2.2005 issued by the first respondent directing the second respondent to notify and fill up the vacancy of dealership of 18th ward, Ananthapur, while allowing the revision filed by the petitioner, the petitioner filed the present writ petition.

Record reveals that when a permanent dealer had submitted her resignation, the Collector accepted the same and directed the second respondent to notify and fill up the dealership by appointing a permanent fair price shop dealer.

The contention of the petitioner is that when the authorization of the previous permanent dealer was under suspension, pending enquiry, the petitioner was appointed as dealer on temporary basis to the 18th ward of Ananthapur in the year 1995 and since then she has been continuing as such. However, pursuant to the resignation of the permanent dealer to the said post, the petitioner submitted a representation dated 2-4-2005 to the respondents for being absorbed as permanent dealer.

However, the contention of the petitioner is against the rules framed under the Control Order, 2001. Appointment of a fair price shop dealer on permanent basis needs some exercise by giving a notification; calling for applications thereof and finally, after considering the candidature of the individuals only, the appointment of a fair price shop dealer shall be made. Therefore, the petitioner, being a temporary dealer, cannot claim it as a right to be appointed as a dealer on permanent basis. At best she can seek a direction to the competent authority to consider her candidature for being appointed as such. Therefore, I am not inclined to give any positive direction in this matter.

For the aforementioned, the writ petition is dismissed as not maintainable, at the stage of admission. No order as to costs. However, this order of dismissal does not preclude the petitioner to be continued on

temporary basis, in which status she has been continuing till today, till the whole exercise of appointing a dealer on permanent basis is done.

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kvsn 28-04-2005

To

1 The District Collector, Anantapur, Anantapur District.

2 The Revenue Divisional Officer, Anantapur, Anantapur District.

3 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

4 Two CD copies.